

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. CV-10-S-1440-NE
)	
JEFFREY STACY,)	
)	
Defendant.)	

FINDINGS AND CONCLUSIONS

This cause coming on to be heard on the written motion of plaintiff, supported by affidavit, for Judgment by Default in favor of plaintiff, the United States of America, and against defendant, Jeffrey Stacy,¹ pursuant to Rule 55, Federal Rules of Civil Procedure, the court makes the following findings and conclusions:

1. The Summons and Complaint were served on June 15, 2010, upon an individual of suitable age and discretion residing at defendant's usual place of abode;² defendant has failed to appear, plead, or otherwise defend.

2. Assistant United States Attorney, Lane Woodke, who is counsel of record for plaintiff in this case, has filed a certification, under penalty of perjury, that defendant is neither an infant, nor an incompetent person, and has not been in the

¹ Doc. no. 4.

² Doc. no. 3 (Return on Service of Writ).

military service of the United States since the filing of this action or for a period of six months prior to such filing.

3. This court entered default against defendant on July 19, 2010, on motion of plaintiff; in conjunction with said motion, plaintiff filed an affidavit to support the amount claimed.³

4. Defendant is indebted to plaintiff in the principal sum of Three Thousand Nine Hundred Dollars and No Cents (\$3,900.00), costs of effecting service of process in the amount of Fifty-Five Dollars and No Cents (\$55.00), and court costs of Three Hundred Fifty Dollars and No Cents (\$350.00) pursuant to 28 U.S.C. § 2412(a)(2).

5. Plaintiff is due to recover from defendant the total sum of Four Thousand Three Hundred Five Dollars and No Cents (\$4,305.00), and interest thereafter accruing at the prevailing legal rate, per annum, until paid in full. A judgment will enter accordingly.

DONE this 30th day of September, 2010.

A handwritten signature in black ink, appearing to read "Lynwood Smith", written over a horizontal line.

United States District Judge

³ Federal Rule of Civil Procedure 55(b)(1) provides that a claim for a sum certain must be accompanied by an affidavit showing the amount due in order to entitle the plaintiff to entry of a default judgment by the clerk.